IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT APPEAL Nos. 1606, 1830, 1831, 1841 and

1842 OF 2004

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WRIT APPEAL NO : 1606 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP NO : 20539 OF 2003 on the file of the High Court.)

Between:

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co of A.P. Ltd. Eluru,
Near Gajjalavari Tank, Eluru-1

2 The Chairman and Manager Director,

Eastern Power Distribution Co. of A.P. Limited,
Visakhapatnam.

..... APPELLANTS

AND

B.V. Ramana Murthy, S/o. Suryanarayana,
R/o. Tanuku, West Godavari District.

.....RESPONDENT

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WRIT APPEAL NO : 1830 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP No: 20469 OF 2003 on the file of the High Court.)

Between:

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co. of A.P., Ltd., Eluru,
Near Gajjalavari Tank, Eluru-1.

2 The Chairman and Managing Director,

Eastern Power Distribution Co. of A.P. Ltd.,
Visakhapatnam.

..... APPELLANTS

AND

P. Balusu Babu, S/o. P. Lakshmana Rao,
R/o. Juvvulapalem, Tadepalligudem, W.G.District.

.....RESPONDENT

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WRIT APPEAL NO : 1831 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP NO : 20509 OF 2003 on the file of the High Court.)

Between:

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co. of A.P. Ltd., Eluru,
Near Gajjalavari Tank, Eluru-1.
2 The Chairman and M.D.,

Eastern Power Distribution Co. of A.P. Ltd.,
Visakhapatnam.

..... APPELLANTS

AND

K.L. Sarada, W/o. T. Ramakrishna,
R/o. Rangoom Meda, St. R.R. pet, Eluru,
West Godavari District.

.....RESPONDENT

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WRIT APPEAL NO : 1841 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP NO : 20540 OF 2003 on the file of the High Court.)

Between:

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co of A.P. Ltd. Eluru,
Near Gajjalavari Tank, Eluru-1
2 The Chairman and Managing Director, Eastern Power

Distribution co of A.P. Limited,
Visakapatnam

..... APPELLANTS

AND

G.V.V. Satyanarayana, S/o. Subba Rao,
R/o. Rustumbada, 24th Ward, Narsapuram,
West Godavari District.

.....RESPONDENT

WRIT APPEAL NO : 1842 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/09/2004 in WP NO : 20465 OF 2003 on the file of the High Court.)

Between:

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co of A.P.Ltd,

Eluru, Near Gajjalavari Tank, Eluru-1.

2 The Chairman and Managing Director,

Eastern Power Distribution Co of A.P.Ltd,

Visakhapatnam.

..... APPELLANTS

AND

M.V.V.N.R. Satya Vani, D/o. Sri M.Sruyanarayana,
R/o. 14-7-9, Toletewari Street, Paipet, Narsapur,

West Godavari District.

.....RESPONDENT

Counsel for the Appellants in all the Writ Appeals: SMT E.URMILA

Counsel for the Respondents in all the Writ Appeals: MS.R.ANNAPURNA

The Court at the admission stage made the following:

ORAL COMMON JUDGMENT: (BY GB,J)

All the Writ Appeals can be disposed of by a common Judgment as they arise out of the common order dated 29.9.2004 passed by the learned single Judge in W.P.No.20465 of 2003 and batch.

2. The matter relates to the consideration of the ex-contract labour for appointment to the post of LDCs in pursuance of B.P.Ms.No.36 dated 18-5-1997 issued by the A.P.

State Electricity Board (for short 'Board'). Their cases were rejected on the ground that they did not establish that they worked on the cut-off date viz., 18-5-1997 in respect of the work bearing LS No.4/97-98, which was entrusted to Shailaja Engineering Corporation, Narsapur.

3. It is the contention of the Board that the workmen-contract labour concerned, were not in fact engaged as the work itself commenced beyond 30-6-1997 as borne out by various communications exchanged between the Executive Engineer and the Board and therefore their claim that they worked as in-service contract labour as on 18.5.1997 is wholly misconceived. On the other land, the contention of the workmen is that the contractors engaged them and the work was directed to be commenced even on 6-5-1997 and therefore in all probability they were engaged so as to ensure the completion of the work within time. The learned single Judge taking into consideration recorded a finding that they should be treated as if they are in service as a contract labour on 18-5-1997 and directed the Board to consider their case in accordance with B.P.Ms.No.36. Against the said order the present Writ Appeals have been filed.

4. We have considered the contentions raised by the learned counsel for the appellants and also the learned counsel for respondents at length.

5. The only question that calls for consideration is whether the workmen have in fact worked on 18-5-1997.

6. The learned single Judge drawn an inference basing on the documents that the workmen appear to have worked on 18.5.1997. However, we find that the inference drawn by the learned single Judge cannot be said to be illegal in view of the peculiar facts and circumstances of the case.

7. BP.Ms.No.36 was issued by the Board only to provide employment opportunities to the contract labour in the regular service of the Board provided they fulfilled the requisite condition. Therefore, every effort should be made to ensure that the benefit

only goes to the eligible contract labour and not the others who try to enter the protection of BP.Ms.No.36 by resorting to illegal methods. Though the learned Single Judge having no other material to come for a definite conclusion had drawn the inference, but at the same time it does not preclude the authorities from reconsidering the issue as to whether the respondent had in fact worked as contract labour with reference to the documents and further enquiry if any conducted by the authorities in this regard to reach the object sought to be achieved by BP.Ms.No.36. Under those circumstances, we do not find any ground to interfere with the order of the learned Single Judge.

8. Accordingly, the Writ Appeals are disposed of subject to the above observations. The appellants are directed to consider the case of the workmen and pass appropriate orders within a period of eight (08) weeks from the date of receipt of a copy of this order. No costs.

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(G. BIKSHAPATHY, J.)

Date: 25-11-2004

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(P.S. NARAYANA, J.)

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To

1 The Superintending Engineer-Operation,

Eastern Power Distribution Co of A.P. Ltd,

Eluru, Near Gajjalavari Tank, Eluru-1, West Godavari District.

2 The Chairman and Managing Director,

Eastern Power Distribution Co., of A.P. Ltd,

Visakhapatnam.

3 Two CD copies.